

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

OCT 28 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

BRICE HUTTINGER,

Defendant - Appellant.

No. 09-30006

D.C. No. 4:08-CR-00039-SEH

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Montana
Sam E. Haddon, District Judge, Presiding

Submitted October 13, 2009^{**}

Before: B. FLETCHER, LEAVY, and RYMER, Circuit Judges.

Brice Huttinger appeals from the 210-month sentence imposed following his guilty-plea conviction for being a felon in possession of a firearm, in violation of

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

18 U.S.C. § 922(g)(1). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Huttinger contends that the district court failed adequately to consider the sentencing factors of 18 U.S.C. § 3553(a) and failed to explain the sentence. The record belies these contentions. *United States v. Carty*, 520 F.3d 984, 991-92 (9th Cir. 2008) (en banc).

Huttinger also contends that the sentence is substantively unreasonable. In light of the totality of the circumstances and the 3553(a) factors, the sentence was not unreasonable. *See Gall v. United States*, 128 S. Ct. 586, 597 (2007); *United States v. Cherer*, 513 F.3d 1150, 1161 (9th Cir. 2008) (recognizing it is insufficient to reverse a sentencing decision because the appellate court might reasonably have concluded that a different sentence was appropriate).

AFFIRMED.